IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 13883 of 2005(C)

PETITIONER:

A.MUHAMMED ABDUL SALIM,
SABOORA SADANAM, MUSLIM STREET,
PADINJATTINKARA MURI, KOTARAKKARA,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. UNION OF INDIA REPRESENTED BY
THE SECRETARY, MINISTRY OF RAILWAYS,
RAIL BHAVAN, NEW DELHI.

2. THE DIVISIONAL MANAGER, SOUTHERN
RAILWAY, THYCAUD, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM.

4. THE SPECIAL TAHSILDAR,
L.A.NO.2, (RAILWAY), VADAYATTUKOTTA ROAD,
KOLLAM.

5. KAMALUDEEN S/O. ALI KUNJU,
JALEELA MANZIL MUSLIM STREET,
PADINJATTINKARA, KOTTARAKKARA P.O.,
KOLLAM DISTRICT.

ADDL.6.THE EXECUTIVE ENGINEER (IN CHARGE OF LAND ACQUISITION)
SOUTHERN RAILWAY, KOTTAYAM.

(IMPLEADED AS PER ORDER DT. 3.6.2005 IN I.A.No.7625/2005)

BY ADV. SRI.SUBAL J.PAUL, SC, RAILWAYS(R1, R2 & R6)
BY GOVT. PLEADER SRI.L.G.SURESH BABU. (R3)
BY ADV. SRI.GEORGE VARGHESE PERUMPILLI KUTTIYIL (R5)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P.(C) No. 13883 OF 2005

Dated this the 25th June, 2007.

J U D G M E N T

The petitioner is challenging the action of the land acquisition authorities, by which the authorities have acquired land owned by the petitioner, without notice. According to the petitioner, he is owner of 1.41 Ares of property, comprised in Survey No.62/2/2 of Kottarakkara Village. He purchased the land under Exts.P1 and P2. His further case is that he along with the 5th respondent are co-owners in respect of the properties. There is a shop room in the property which was also acquired. It is alleged that 5th respondent in collusion with respondents 1 to 4, is trying to appropriate the entire compensation, without issuing any notice to the petitioner.

2. The respondent had denied the allegations levelled against them. The respondent has filed a counter. I do not find it necessary to consider the matter on merits. Admittedly, no award is passed in this case. So, it is only just and proper, to issue a direction

to respondents 3 and 4, especially 4th respondent, to issue notice to the petitioner and consider his claims or objections, before passing an award in this case.

In the result, the writ petition is disposed of with a direction to the 4th respondent to issue notice to the petitioner, and consider his claims and objections, if any, before passing an award.

K.PADMANABHAN NAIR,
JUDGE

nj.